

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

POWERHOUSE BEVERAGE COMPANY  
LLC, et al.,

Plaintiffs,

-against-

FRANK NAHOUM, et al.,

Defendants.

22-cv-5559 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On September 11, 2023, Defendant Stanziale submitted a letter motion for leave to file several motions, most of them untimely. Dkt. 95. They are decided as follows:

1. Defendant's request to file additional counterclaims against Plaintiff's current and former lawyers is DENIED. The deadline to amend the pleadings in this case was December 15, 2022, Dkt. 26, and Defendant has failed to articulate a basis for, let alone satisfy, good cause under Fed. R. Civ. P. 16(b)(4) for the addition of claims at this juncture.
2. Defendant's request to file several motions (a Rule 11 motion against "each named plaintiff's attorney," and untimely Rule 12(b)(6) and summary judgment motions) is DENIED. The Court will consider, after the October 30, 2023, bench trial whether any conduct of any party or attorney raises issues under Rule 11, and also whether the Court should excuse the parties' disregard of the June 5, 2023, deadline for the filing of pre-motion letters regarding summary judgment, Dkt. 63. The parties are reminded that the Court has already instructed each side to consider withdrawing certain claims and has set deadlines for those letters. Dkt. 90 (September 21; September 28). The Court will not entertain an untimely motion from Defendant Stanziale seeking summary judgment on Stanziale's own defamation counterclaim.

SO ORDERED.

Dated: September 13, 2023  
New York, New York



ARUN SUBRAMANIAN  
United States District Judge